

1 **REMARKS/ARGUMENTS**

2 Applicant respectfully requests reconsideration and allowance of the subject
3 application.

4 Claims 1-47 were originally submitted.

5 Claim 10 is canceled without prejudice.

6 Claims 1-9, 11-47 remain in this application.

7
8 **35 U.S.C. §103(a)**

9 Claims 17, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 33, 41, 43 and 45 are
10 rejected under 35 U.S.C. §103(a) as being unpatentable over Ahead Software's
11 Nero program (Nero) in view of U.S. Patent 5,113,517 to Beard et al (Beard).
12 Applicant respectfully traverses the rejection of the claims.

13 In Applicant's response to the Office Action of February 10, 2005,
14 Applicant argued that Beard teaches a user interface that is represented on a
15 display screen in the form of metaphoric objects, called icons, with which the user
16 can interact by changing the input focus to a designated object by visually pointing
17 to it via an input means which permits manipulation of the designated object of
18 interaction with data input/output relative to the designated object (see Abstract of
19 Beard). Fig. 4 of Beard illustrates a desktop that includes the various icons;
20 however, Fig. 4 does not show an operating system that manages computer
21 resources. Furthermore, there is no specific teaching or suggestion in Beard as to
22 an operating system that is able to manage computer resources.

1 In response to Applicant's argument, the Examiner presents the following
2 supplemental evidence from the Microsoft Computer Dictionary:

3 "desktop, a desktop is characteristic of the Apple Macintosh and of
4 windowing programs such as Microsoft Windows®..."

5 "Windows®, an operating system introduced by Microsoft Corporation in
6 1983..."

7 The Action looks to Beard as teaching such an operating system; however,
8 Beard teaches the following. "A [p]rocessor 20 includes an operating system 42
9 called 'Pilot' that is called on demand by other interfaced programs such as a *View*
10 *Point applications* 36, basic workstation (BWS) 38 and NS filing system 40."
11 (Beard, col. 9, lines 60-63, emphasis added). "Desktop 54 is a gray scale
12 representation and is the *primary view of ViewPoint applications* that user 18 sees
13 on display screen 50 and therefore occupies the entire screen 50 and appears under
14 all objects 49 displayed on the screen. Desktop 54 resembles the top of an office
15 desk, together with surrounding equipment used in the office environment."
16 (Beard, col. 11, lines 43-51, emphasis added). "It is of interest to initially note that
17 the icons 49 on desktop 54 are aligned vertically and horizontally according to an
18 invisible orthogonal grid on desktop 54. Thus, their placement on desktop 54 is not
19 arbitrary and the *application software* for desktop 54 is capable of determining and
20 keeping track of the location of icons on the surface of desktop 54." (Beard, col.
21 12, lines 24-30, emphasis added).

22 **Independent claim 17** recites in part "[a] graphical user interface for a
23 computer, comprising: an operating system that interacts with a user to manage
24 computer resources; the operating system having a resource browser that is
25 responsive to user input to explore resource areas containing different types of

1 resources and to display icons that represent the resources, at least some of the
2 resources being physically moveable to and from the resource areas by moving
3 their corresponding icons”.

4 As admitted by the Office, Nero fails to teach “an operating system that
5 interacts with a user to manage computer resources”. The Office relies on Beard
6 as teaching such an operating system and particularly pointing to Fig. 4 of Beard.

7 Beard teaches a user interface that is represented on a display screen in the
8 form of metaphoric objects, called icons, with which the user can interact by
9 changing the input focus to a designated object by visually pointing to it via an
10 input means which permits manipulation of the designated object of interaction
11 with data input/output relative to the designated object (see Abstract of Beard).
12 Fig. 4 of Beard illustrates a desktop that includes the various icons; however, Fig.
13 4 does not show an operating system that manages computer resources.
14 Furthermore, there is no specific teaching or suggestion in Beard fails as to an
15 operating system that is able to manage computer resources.

16 The Action argues that an operating system may include desktop; however,
17 the operating system called ‘Pilot’ that is particularly taught in Beard does not
18 include such a desktop. Beard specifically teaches that the Viewpoint applications
19 call the ‘Pilot’ operating system. The desktop (desktop 54) is taught as a gray
20 scale representation and is the primary view of ViewPoint applications. Therefore,
21 the desktop taught in Beard is not part of the operating system, but part of an
22 application.

23 Accordingly, Applicant respectfully requests that the §103 rejection of
24 claim 17 be withdrawn.
25

1 **Dependent claims 19, 20, 21, 22, 23, and 25** are allowable based at the
2 least on their dependency on claim 17. Applicant respectfully requests that the §103
3 rejection of claims 19, 20, 21, 22, 23, and 25 be withdrawn.

4 **Independent claim 27** recites in part “[a] graphical user interface for a
5 computer, comprising: an operating system that interacts with a user to manage
6 computer resources”.

7 As discussed above in support of claim 17, Beard fails to teach or suggest an
8 operating system that interacts with a user to manage computer resources.
9 Accordingly, Applicant respectfully requests that the §103 rejection of claim 27 be
10 withdrawn.

11 **Dependent claims 29, 30 and 31** are allowable based at the least on their
12 dependency on claim 27. Applicant respectfully requests that the §103 rejection of
13 claims 29, 30 and 31 be withdrawn.

14 **Independent claim 41** recites in part “[a]n operating system embodied on
15 one or more computer readable media, the operating system performing actions
16 comprising: saving resources managed by the operating system in response to
17 requests from application programs”.

18 As discussed above in support of claim 17, Beard fails to teach or suggest an
19 operating system as recited in claim 41. Accordingly, Applicant respectfully
20 requests that the §103 rejection of claim 41 be withdrawn.

21 **Dependent claims 43 and 45** are allowable based at the least on their
22 dependency on claim 41. Applicant respectfully requests that the §103 rejection of
23 claims 43 and 45 be withdrawn.

1 Claims 1, 2, 3, 4, 5, 6, 7, 8, 35, 36, 37, 38, and 40 are rejected under 35
2 U.S.C. §103(a) as being unpatentable over Nero, in view of U.S. Patent 5,946,277
3 to Kuroda et al (Kuroda). Applicant respectfully traverses the rejection of the
4 claims.

5 **Independent claim 1** recites in part “[o]ne or more computer readable
6 media containing one or more operating system programs, said one or more
7 programs comprising computer-readable instructions for performing a process
8 comprising: interacting with a user to manage computer resources, including
9 graphically browsing different computer resource areas that contain resources
10 managed by the operating system”.

11 Kuroda is cited as teaching “include the ability to hold off on recording data
12 until the eject button is pressed with the motivation to reduce the speed of the total
13 recording time because the data would only be recorded once and not several
14 times”. However, Kuroda does not teach elements of an operating system. The
15 Action does not address Applicant’s arguments in the response to the Office
16 Action of February 10, 2005 as to Kuroda. Accordingly, neither of the two cited
17 references suggest including the recited features as elements of an operating
18 system. Therefore, Applicant respectfully requests that the §103 rejection of claim
19 1 be withdrawn.

20 **Dependent claims 2, 3, 4, 5, 6, 7, and 8** are allowable at the least by virtue
21 of their dependency on base claim 1. Applicant respectfully requests that the §103
22 rejection of claims 2, 3, 4, 5, 6, 7, and 8 be withdrawn.

23 **Independent claim 35** recites in part “One or more computer readable
24 media containing an operating system program, the operating system program
25 comprising: accepting designations of different resources managed by the

1 operating system by a user for staging prior to writing to a removable storage
2 medium.”

3 Claim 35 is thus allowable for the reasons already discussed with regard to
4 claim 41. In particular, claim 35 recites elements of an “operating system” that
5 manages different resources.

6 Kuroda is cited as teaching “when the ejection operation to eject the
7 recording disk to the outside is performed, the file management data pieces
8 recorded on a predetermined area of the recording disk”. However, Kuroda again
9 does not teach elements of an operating system. Accordingly, neither of the two
10 cited references suggest including the recited features as elements of an operating
11 system. Therefore, Applicant respectfully requests that the §103 rejection of claim
12 35 be withdrawn.

13 **Dependent claims 36, 37, 38 and 40** are allowable at the least by virtue of
14 their dependency on base claim 1. Applicant respectfully requests that the §103
15 rejection of claims 36, 37, 38 and 40 be withdrawn.

16 **Dependent claim 42** depends from claim 41, and as such claims the
17 element “[a]n operating system embodied on one or more computer readable
18 media, the operating system performing actions comprising: saving resources
19 managed by the operating system in response to requests from application
20 programs” as recited in base claim 41. Claim 42 further recites “saving resources
21 in response to requests from application programs; in response to receiving a
22 request from an application program to save a resource on a staged-write storage
23 medium, noting that resource as being staged without writing the resource”.
24
25

1 As discussed above, Nero describes an application program. Nero does not
2 teach or suggest that as a stand-alone application program it is capable of saving
3 resources in response from request from other application programs.

4 The ejection operation of Kuroda provides no assistance in light of Nero as
5 to the recited operating system of claim 42. Applicant respectfully requests that
6 the §103 rejection of claim 42 be withdrawn.

7 Claims 12, 13, 15, 16, 18, 28, and 42 are rejected under 35 U.S.C. §103(a)
8 as being unpatentable over Nero in view of Beard and in further view of Kuroda.
9 Applicant respectfully traverses the rejection of the claims.

10 **Independent claim 12** recites in part “managing a plurality of computer
11 resources by an operating system”. Claim 12 recites elements of “an operating
12 system” that manages a “plurality of computer resources” and is thus allowable for
13 the reasons already discussed above. In particular, as discussed the cited
14 references of Nero, Beard, and Kuroda do not teach an “operating system” that
15 manages a plurality of computer resources as recited by claim 12. Applicant
16 respectfully requests that the §103 rejection of claim 12 be withdrawn.

17 **Dependent claims 13, 15 and 16** are allowable at the least by virtue of their
18 dependency on base claim 12. Applicant respectfully requests that the §103
19 rejection of claims 13, 15 and 16 be withdrawn.

20 **Dependent claim 18** depends from claim 17 and benefits from the benefits
21 from the arguments in support of claim 17 as to Nero and Beard. In particular,
22 claim 18 benefits from arguments directed to the failure of Nero and Beard to
23 teach or suggest an operating system that is able to manage computer resources.

24 Kuroda is cited as teaching “when the ejection operation to eject the
25 recording disk to the outside is performed, the file management data pieces

1 recorded on a predetermined area of the recording disk”. However, Kuroda again
2 does not teach elements of an operating system. Therefore, Applicant respectfully
3 requests that the §103 rejection of claim 18 be withdrawn.

4 **Dependent claim 28** depends from claim 27 and benefits from the benefits
5 from the arguments in support of claim 27 as to Nero and Beard. In particular,
6 claim 28 benefits from arguments directed to the failure of Nero and Beard to
7 teach or suggest an operating system that interacts with a user to manage computer
8 resources.

9 Kuroda is cited as teaching “when the ejection operation to eject the
10 recording disk to the outside is performed, the file management data pieces
11 recorded on a predetermined area of the recording disk”. However, Kuroda again
12 does not teach elements of an operating system. Therefore, Applicant respectfully
13 requests that the §103 rejection of claim 28 be withdrawn.

14 Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over
15 Nero and Kuroda, in view of U.S. Patent 6,499,095 to Sexton et al (Sexton).
16 Applicant respectfully traverses the rejection of the claim.

17 **Dependent claim 9** depends from claim 1 and benefits from the arguments
18 in support of claim 1 as to Nero and Kuroda. In particular, claim 9 benefits from
19 arguments directed to the failure of Nero and Kuroda to teach or suggest
20 “operating system programs” and “resources managed by the operating system”.

21 Sexton is cited as teaching “a numeric reference employs a machine-
22 independent format for encoding references between objects that is suitable for
23 both run-time use in virtual machines and storage use in secondary storage”.
24 However, Sexton does not teach elements of an operating system. Accordingly,
25 none of the three cited references suggest including the recited features as

1 elements of an operating system. Therefore, Applicant respectfully requests that
2 the §103 rejection of claim 9 be withdrawn.

3 Claims 11 and 39 are rejected under 35 U.S.C. §103(a) as being
4 unpatentable over Nero and Kuroda, in view of U.S. Patent 5,946,277 to Stewart
5 (Stewart). Applicant respectfully traverses the rejection of the claims.

6 **Dependent claim 11** depends from claim 1 and benefits from the
7 arguments in support of claim 1 as to Nero and Kuroda.

8 The combination of Nero, Kuroda, and Stewart fail to teach or suggest the
9 graphical user interface of claim 11. In particular, claim 11 benefits from
10 arguments directed to the failure of Nero and Kuroda to teach or suggest
11 “operating system programs” and “resources managed by the operating system”.

12 Stewart is cited for its teaching of a “locking mechanism with the
13 motivation to provide the user with protection of writing over an undesired file”.
14 Stewart does not teach elements of an operating system. Accordingly, none of the
15 three cited references suggest including the recited features as elements of an
16 operating system. Therefore, Applicant respectfully requests that the §103
17 rejection of claim 11 be withdrawn.

18 **Dependent claim 39** depends from claim 35 and benefits from the
19 arguments in support of claim 35 as to Nero and Kuroda. In particular, claim 39
20 benefits from arguments directed to the failure of Nero and Kuroda to teach
21 “different resources managed by the operating system”.

22 Stewart is cited as teaching “to produce the shared files using some
23 conventional operating systems, including a filename or other identifier with which
24 to name the file. The operating system may create the file and open it.
25 Additionally, the operating system may lock the file in response to such a

1 command in order to prohibit use of the file by other processes while the file is
2 being written. The writer may receive from some conventional operating systems
3 a pointer or other identifier of the file in response to the open for write command.”
4 The Office has not presented that an unchanged copy of the staged resource is
5 written in place of the changed stage resource. What is described in Stewart is a
6 pointer to a locked file. Stewart provides no assistance in light of Nero and
7 Kuroda as to the recited computer readable media of claim 39. Applicant
8 respectfully requests that the §103 rejection of claim 39 be withdrawn.

9 Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over
10 Nero and Kuroda, in view of U.S. Patent 6,678,764 to Paravelescu et al
11 (Paravelescu). Applicant respectfully traverses the rejection of claim 14.

12 **Dependent claim 14** depends from claim 12 and benefits from the
13 arguments in support of claim 12 as to Nero and Kuroda. In particular, claim 14
14 benefits from arguments directed to the failure of Nero and Kuroda to teach or
15 suggest “an operating system” that manages a “plurality of computer resources”.

16 Paravelescu is cited as teaching “if media is not present, a beep or other
17 warning and prompt to the user to insert media is issued”. However, Paravelescu
18 provides no suggestion as to an operating system. Therefore, the combination of
19 these three references, even combined, fail to suggest this characteristic.
20 Applicant respectfully requests that the §103 rejection of claim 14 be withdrawn.

21 Claims 24 and 32 are rejected under 35 U.S.C. §103(a) as being
22 unpatentable over Nero in view of Sexton. Applicant respectfully traverses the
23 rejection of claims 24 and 32.

24 **Dependent claim 24** depends from claim 17, and benefits from the
25 arguments in support of claim 17 as to Nero. In particular, claim 24 benefits from

1 arguments directed to the failure of Nero to teach or suggest “an operating system
2 that interacts with a user to manage computer resources”.

3 Sexton is cited as teaching “a numeric reference employs a machine-
4 independent format for encoding references between objects that is suitable for
5 both run-time use in virtual machines and storage use in secondary storage”.
6 However, Sexton does not teach elements of “a stored resource display area and a
7 staged resource display area”. Therefore, the combination of these two references,
8 even combined, fail to suggest this characteristic. Applicant respectfully requests
9 that the §103 rejection of claim 24 be withdrawn.

10 **Dependent claim 32** depends from claim 27 and benefits from the
11 arguments in support of claim 27 as to Nero. In particular, claim 32 benefits from
12 arguments directed to the failure of Nero to teach or suggest “an operating system
13 that interacts with a user to manage computer resources”.

14 Sexton is cited as teaching “a numeric reference employs a machine-
15 independent format for encoding references between objects that is suitable for
16 both run-time use in virtual machines and storage use in secondary storage”.
17 However, Sexton does not teach elements of “display icons of stored resources that
18 are already stored in the staged-write resource area and icons of staged resources”.
19 Therefore, the combination of these two references, even combined, fail to suggest
20 this characteristic. Applicant respectfully requests that the §103 rejection of claim
21 32 be withdrawn.

22 Claims 26, 34 and 44 are rejected under 35 U.S.C. §103(a) as being
23 unpatentable over Nero, in view of Beard, and in further view of Stewart.
24 Applicant respectfully traverses the rejection of the claims.
25

1 **Dependent claim 26** depends from claim 17 and benefits from the
2 arguments in support of claim 17 as to Nero and Beard. In particular, claim 26
3 benefits from arguments directed to the failure of Nero and Beard to teach or
4 suggest “an operating system that interacts with a user to manage computer
5 resources”.

6 Stewart is cited as teaching “to produce the shared file using some
7 conventional operating systems, the write sends an ‘open for write’ commence to
8 the operating system, including a filename or other identifier with which to name
9 the file. The operating system may create the file and open it. Additionally, the
10 operating system may lock the file in response to such a command in order to
11 prohibit use of the file by other processes while the file is being written. The
12 writer may receive from some conventional operating systems a pointer or other
13 identifier of the file in response to the open for write command”. However,
14 Stewart does not teach elements of “a stored resource display area and a staged
15 resource display area”. Therefore, the combination of these two references, even
16 combined, fail to suggest this characteristic. Applicant respectfully requests that
17 the §103 rejection of claim 26 be withdrawn.

18 **Dependent claim 34** depends from claim 27 and benefits from the
19 arguments in support of claim 27 as to Nero and Beard. In particular, claim 26
20 benefits from arguments directed to the failure of Nero and Beard to teach or
21 suggest “an operating system that interacts with a user to manage computer
22 resources”.

23 Stewart is cited for the same teaching as used in rejecting claim 24.
24 However, Stewart provides no suggestion of an operating system that interacts
25 with a user to manage computer resources. Therefore, the combination of these

1 references, even combined, fail to suggest this characteristic. Applicant
2 respectfully requests that the §103 rejection of claim 34 be withdrawn.

3 **Dependent claim 44** depends from claim 41 and benefits from the
4 arguments in support of claim 41 as to Nero. In particular, claim 44 benefits from
5 arguments directed to the failure of Nero to teach or suggest “saving resources
6 managed by the operating system in response to requests from application
7 programs”.

8 Stewart is cited for the same teaching as used in rejecting claim 24.
9 However, Stewart provides no suggestion of an operating system that is able to
10 save responses in response from requests from application programs. Applicant
11 respectfully requests that the §103 rejection of claim 44 be withdrawn.

12 Claims 46 and 47 are rejected under 35 U.S.C. §103(a) as being
13 unpatentable over Nero, in view of Sexton, in further view of Stewart, and in
14 further view of Kuroda. Applicant respectfully traverses the rejection of claims 46
15 and 47.

16 **Independent claim 46** in part recites “accepting designations of different
17 resources managed by the operating system for staging prior to writing to a
18 removable storage medium”.

19 As discussed above, Nero does not teach or suggest an operating system
20 that manages different resources. Furthermore, Sexton, Stewart, and Kuroda do
21 not teach or suggest such an operating system.

22 Sexton is cited as teaching “storing corresponding references to the
23 designated resources”. Stewart is cited as teaching “for any designated resource
24 that is changed prior to writing, creating an unchanged copy of the staged resource
25 and changing the corresponding reference to indicate the unchanged copy”.

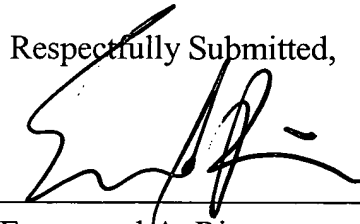
1 Kuroda is cited as teaching “in response to an instruction to write to the removable
2 storage medium, writing any designated resources and any unchanged copies
3 indicated by the stored references”. However, Sexton, Stewart, and Kuroda
4 provide no suggestion as to an operating system that manages resources.
5 Applicant respectfully requests that the §103 rejection of claim 46 be withdrawn.

6 **Dependent claim 47** is allowable by virtue of its dependency on base claim
7 46. Applicant respectfully requests that the §103 rejection of claim 47 be
8 withdrawn.

1 **CONCLUSION**

2 All pending claims 1-9, 11-47 are in condition for allowance. Applicant
3 respectfully requests reconsideration and prompt issuance of the subject
4 application. If any issues remain that prevent issuance of this application, the
5 Examiner is urged to contact the undersigned attorney before issuing a subsequent
6 Action.

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9 Dated: 11/30/05

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